

REMARKS

The application has been reviewed in light of the Office Action dated March 29, 2004. Claims 2-6 and 13-22 are pending in this application. Claims 1 and 7-12 were previously cancelled, without prejudice or disclaimer. By this Amendment, claims 2 and 4 have been amended into independent form, and claims 5, 6, 19 and 21 have been amended to clarify the claimed invention. Accordingly, claims 2, 4, 13, 19 and 20 are now in independent form. It is submitted that no new matter has been introduced by the present amendment.

According to the Office Action, claims 13-18, 20 and 22 have been allowed. Claims 2 and 4 were objected to as being dependent upon a rejected base claim, but according to the Office Action would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 and 4 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the claim amendments, amended claims 2 and 4 are believed to be allowable and withdrawal of the objection to claims 2 and 4 is requested.

Claims 5 and 21 were objected to as purportedly being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 5 and 21 have been amended hereinabove to clarify the claimed invention.

In view of the claim amendment, withdrawal of the objection to claims 5 and 21 is requested.

Claims 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, as purportedly indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 6 was rejected under 35 U.S.C. §112, second

paragraph, as purportedly incomplete for omitting essential elements, such omission amounting to a gap between the elements.

Claims 5 and 6 have been amended hereinabove to clarify the claimed invention.

Withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

Claims 6 and 19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,456,640 to Okumura. Claims 3, 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Okumura in view of U.S. Patent No. 6,118,800 to Kidoguchi et al.

The Office Action states, in connection with allowed claims 13-18, 20 and 22, and in connection with claims 2 and 4, that the cited art does not disclose a saturable layer having a combination of nitrogen with another group V element, such as As or P, which provide bandgap control and stabilization of the self-pulsation.

Independent claim 19 has been amended to more clearly recite these features. Claim 19 as amended and the claims depending therefrom (for example, claims 3, 5, 6 and 21) are believed to be allowable for at least the reasons that render claims 13-18, 20 and 22 patentably distinct from the cited art.

Therefore, Applicant submits that the application is now in condition for allowance.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

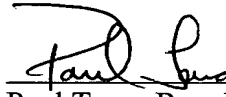
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is

respectfully requested to call the undersigned attorney.

Allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

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